

T H A R P E & H O W E L L, L L P
 ATTORNEYS AT LAW
 6897 WEST CHARLESTON BOULEVARD, LAS VEGAS, NV 89117
 PHONE: (702) 562-3301 | FAX: (702) 562-3305
 WWW.THARPE-HOWELL.COM

1 Brad R. Kohler II, Esq.
 Nevada Bar No.: 7408
 2 Zachariah B. Parry, Esq.
 Nevada Bar No.: 11677
 3 THARPE & HOWELL, LLP
 6897 W. Charleston Blvd.
 4 Las Vegas, NV 89117
 (702) 562-3301
 5 Fax: (702) 562-3305
 bkohler@tharpe-howell.com
 6 zparry@tharpe-howell.com
 7 Attorneys for Defendants,
Sam's West, Inc., Nic Hestand,
 8 *National Bedding Company LLC,*
and Serta, Inc.

9
 10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 * * *

13 ESPERANZA HOPE PHAM,

14 Plaintiff,

15 vs.

16 WAL-MART STORES, INC. d/b/a SAM'S
 17 CLUB STORE #6382; SAM'S WEST, INC.;
 18 NIC HESTAND; NATIONAL BEDDING
 COMPANY L.L.C.; SERTA INC.,
 19 DOES I-X, inclusive; and ROE
 CORPORATIONS I-X, inclusive,

20 Defendants.

21 AND ALL OTHER MATTERS.

CASE NO.: 2:11-cv-01148-KJD-GWF
 DEPT. NO.: XXIII

**ORDER GRANTING
 SAM'S WEST, INC., NIC HESTAND,
 NATIONAL BEDDING COMPANY LLC,
 AND SERTA, INC.'S MOTION FOR
 DETERMINATION OF GOOD FAITH
 SETTLEMENT AND TO PLACE
 SETTLEMENT ON THE COURT
 RECORD ON ORDER SHORTENING
 TIME**

22 24733

23 THIS MATTER having come on for hearing on an Order Shortening Time, on the 28th day of
 24 November, 2012, on Defendants Sam's West, Inc., Nic Hestand, National Bedding Company
 25 LLC, and Serta, Inc.'s ("Sam's Defendants") [128] Motion for Determination of Good Faith
 26 Settlement and [130] Motion to Place Settlement on the Court Record, the Honorable Kent J.
 27 Dawson presiding, the Plaintiff represented by Douglas M. Cohen, Esq. of Fennemore Craig, PC,
 28 Sam's Defendants represented by Brad R. Kohler II, Esq. of Tharpe & Howell, LLP, Defendant

1 Fox Marketing Corporation (“Foxmark”) represented by Kenneth E. Goates, Esq. of The Law
 2 Offices of Kenneth E. Goates, Third-Party Defendant Bates Metal Products, Inc. represented by
 3 Colby D. Beck, Esq. of Boyack, Beck & Taylor, and the issues being fully argued by counsel and
 4 the Court being fully advised in the premises and good cause appearing therefor,

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Sam’s Defendants’
 6 \$250,000.00 settlement with Plaintiff is fair, reasonable and made in good faith pursuant to NRS
 7 17.245;

8 IT IS FURTHER ORDRED, ADJUDGED AND DECREED that all claims past, present and
 9 future against Sam’s Defendants for equitable indemnity and/or contribution by any other
 10 tortfeasor arising from the incident described in Plaintiff’s Complaint that occurred on or about
 11 April 7, 2012 are forever barred pursuant to NRS 17.245;

12 IT IS FURTHER ORDRED, ADJUDGED AND DECREED that the Sam’s Defendants’
 13 settlement described herein expressly includes and discharges the claims, liabilities and legal
 14 obligations of Foxmark, and therefore, Sam’s Defendants’ Cross-Claims against Foxmark for
 15 indemnity and contribution are perfected by this settlement;

16 IT IS FURTHER ORDRED, ADJUDGED AND DECREED that Plaintiff’s Complaint is
 17 dismissed in its entirety with prejudice and the only remaining action in this lawsuit is National
 18 Bedding Company LLC and Serta, Inc.’s Cross-Claims against Foxmark for indemnity and
 19 contribution;

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1 IT IS FURTHER ORDRED, ADJUDGED AND DECREED that Sam's Defendants' instant
2 Motions for Determination of Good Faith Settlement and to Place the Settlement on the Court's
3 Record are GRANTED.

4 Respectfully submitted by:

5 THARPE & HOWELL, LLP
6

7 /s/ Brad R. Kohler II

8 Brad R. Kohler II, Esq.
Nevada Bar No.: 7408
9 Zachariah B. Parry, Esq.
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14 Attorneys for Defendants,
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15 *National Bedding Company LLC,*
and Serta, Inc.
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17 **IT IS SO ORDERED**

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19 UNITED STATES DISTRICT COURT JUDGE
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21 **DATED:** 12/3/12
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